IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

GRANT IMPORTING & DISTRIBUTING CO., INC., HAYES BEER DISTRIBUTING COMPANY, L&V DISTRIBUTORS, INC., CHICAGO BEVERAGE SYSTEMS, LLC, JOSEPH MULLARKEY DISTRIBUTORS, INC., TOWN & COUNTRY DISTRIBUTORS, INC., KOZOL BROS., INC., FRED W. LOSCH BEVERAGE CO., SCHAMBERGER BROS., INC. and BURKE BEVERAGE, INC. Plaintiffs,	08 C 1269
vs.	Hon. Joan H. Lefkow
AMTEC INTERNATIONAL OF NY CORP., a New York corporation, EUROPEAN BEER IMPORTERS, INC., an Illinois corporation and ADVANCED BRANDS & IMPORTING CO., INC., a Delaware corporation d/b/a STAR BRAND IMPORTS, Defendants.	

AMENDMENT AND SUPPLEMENT TO MOTION FOR ORDER OF REMAND

Plaintiffs, GRANT IMPORTING & DISTRIBUTING CO., INC., et al., by their attorneys, amend and supplement their Motion for Order of Remand filed on March 6, 2008. For their amendment and supplement, the Plaintiffs advise the court that:

1. This is an action seeking enforcement of the Plaintiffs' rights as wholesalers or beer wholesalers, under an Illinois statute - the Beer Industry Fair Dealing Act, 815 ILCS 720/1, *et seq*., (the Act). The Plaintiffs' interests as such are protected under the Act. The Amended Complaint seeks injunctive relief, declaratory relief and damages.

2. The action was filed in the Circuit Court of Cook County on February 28, 2008. It was removed from the Circuit Court of Cook County to this court on March 3, 2008, purportedly pursuant to 28 U.S.C. §1446.

3. On March 3, 2008, the Plaintiffs filed their motion seeking remand pursuant to 28 U.S.C. §1447(c).

4. After filing the initial complaint, further investigation on the part of the Plaintiffs revealed additional or different facts from those first stated. Certain of those additional or different facts have direct bearing on the request that the case be remanded to the Circuit Court of Cook County.

5. The Plaintiffs were granted leave to file an Amended Complaint and to present this amendment and supplement to their Motion for Order of Remand. Their Amended Complaint will be filed in accord with the court's order.

6. Three additional or different pieces of information, not known to the Plaintiffs when the action was filed, have since been clarified and are addressed in the Amended Complaint.

7. Plaintiff, CHICAGO BEVERAGE SYSTEMS, LLC was initially stated to be an Illinois limited liability corporation. It is in fact a Delaware limited liability corporation, and a citizen of the State of Delaware. It is a single member LLC, and its sole member is also a Delaware citizen. See Exhibit No. 1 to this amendment, and Paragraph No. 8 of the Amended Complaint.

8. Defendant, ADVANCED BRANDS & IMPORTING CO., INC., was mistakenly alleged initially to be a New York corporation. ADVANCED BRANDS is in fact a Delaware corporation, and a citizen of the State of Delaware. See Exhibit No. 2 to this amendment, and Paragraph No. 16 of the Amended Complaint.

9. Defendant, AMTEC INTERNATIONAL OF NY CORP., was identified in the caption, "individually and 'd/b/a EUROPEAN BEER IMPORTERS, INC.'" In paragraph 19 of the initial pleading EUROPEAN BEER IMPORTERS, INC. was accurately alleged to be an Illinois corporation. The Amended Complaint clarifies any confusion in that regard, properly alleging EBI to be an Illinois corporation and citizen of that State, as is the case. See Exhibit No. 3 to this Amendment, and Paragraph No. 21 of the Amended Complaint.

10. Defendants AMTEC, EBI and ADVANCED BRANDS is each a brewer and a master distributor (defined terms) under the Act. AMTEC and EBI are additionally successor brewers (another defined term) under the Act. See Amended Complaint, Paragraphs Nos. 24, 29, 32 and 34 through 42.

11. Each of the Defendants owes statutory duties and obligations to each of the Plaintiffs under the Act, explicitly and by definition. The obligations of each of the Defendants will be determinative of the outcome in this action. Each Defendant is a necessary and indispensable party to any full and complete resolution of matters in controversy.

12. Pursuant to 28 U.S.C. §1447(c) an action removed from the State courts is to be remanded in the absence of federal subject matter jurisdiction. 28 U.S.C. §1332 establishes federal jurisdiction in the event of complete diversity of citizenship; it was

under that false premise that this case was removed. The Plaintiffs take no issue with respect to the jurisdictional amount of the damages claimed.

13. In that this case involves no federal question, jurisdiction is proper only if there is complete diversity among the parties, meaning that no Defendant may be a citizen of the same state as any Plaintiff. *Indiana Gas Company, Inc. v. Home Insurance Co.*, 141 F.3d 314, 318 (7th Cir. 1998).

14. A party seeking to establish federal diversity jurisdiction bears the burden of showing that the amount in controversy meets the threshold, and that complete diversity requirements are met. *Chase v. Stop 'N Save Warehouse Foods, Inc.*, 110 F.3d 424, 427 (7th Cir. 1997).

15. A corporation is deemed to be a citizen of a state by which it has been incorporated. 28 U.S.C. §1332(c)(1).

16. For diversity jurisdiction purposes the citizenship of an LLC is the citizenship of each of its members. *Wise v. Wachovia Securities, LLC*, 450 F.3d 265, 267 (7th Cir. 2006).

17. Plaintiff, CHICAGO BEVERAGE SYSTEMS, LLC and Defendant, ADVANCED BRANDS & IMPORTING CO., INC., are each Delaware citizens. Diversity does not exist for that reason.

18. Each Plaintiff other than CHICAGO BEVERAGE SYSTEMS, LLC and Defendant, EUROPEAN BEER IMPORTERS, INC., are Illinois corporations, and Illinois citizens. Diversity does not exist for that reason as well.

19. There is not complete diversity of citizenship among the parties. There is no Federal jurisdiction given the non diverse citizenship of Plaintiff and Defendants, or otherwise, given the matters asserted in the Amended Complaint. The case should be remanded to the Circuit Court of Cook County, Illinois.

WHEREFORE, the Plaintiffs pray for the entry of an Order remanding this action forthwith, to the Circuit Court of Cook County, Illinois. They pray also for such other and further relief determined appropriate, including an award of attorney fees and costs against AMTEC INTERNATIONAL OF NY CORP.

Respectfully submitted,

S/ Daniel C. Meenan Jr.

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